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SERVICE DATE - OCTOBER 14, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 385X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY--
ABANDONMENT EXEMPTION--IN GREENE COUNTY, MO

Decided: October 8, 1999

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 5.82-mile line of its railroad between milepost 189.22 near Springfield and milepost 183.40 near Willard, in Greene County, MO. Notice of the exemption was served and published in the Federal Register on September 16, 1999 (64 FR 50323). The exemption is scheduled to become effective on October 16, 1999.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on September 21, 1999. In the EA, SEA states that the entire line is eligible for listing in the National Register of Historic Places. Therefore, SEA recommends that a condition be imposed requiring BNSF to retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

SEA also states that the National Geodetic Survey (NGS) has identified four geodetic station markers that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that would disturb or destroy these markers to plan for their relocation. Therefore, SEA recommends that a condition be imposed requiring BNSF to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers.

SEA further states that the Missouri Department of Natural Resources, Water Pollution Program (MDNR), has expressed concern regarding storm water discharge during salvage operations. Therefore, SEA recommends that a condition be imposed requiring BNSF to consult with the MDNR prior to salvage operations.

Finally, the U.S. Fish and Wildlife (FWS) states that the Missouri bladderpod (*Lesquerella filiformis*) may be present in the vicinity of the right-of-way. Therefore, SEA recommends that a condition be imposed requiring BNSF, prior to salvage operations, to consult with the FWS to determine if any actions are necessary to protect the Missouri bladderpod.

The recommended conditions will be imposed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that BNSF shall: (a) retain its interest in and take no steps to alter the historic integrity of the line in its entirety the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed; (b) consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; (c) consult the MDNR prior to salvage operations concerning storm water discharge; and (d) consult with the FWS prior to salvage operations to determine if any action is necessary to protect the Missouri bladderpod.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary